

Appendix D

Agency Consultations and Correspondence



U.S. Department
of Transportation

DEPARTMENT OF
TRANSPORTATION
COAST OPERATIONS

ADMINISTRATOR

1200 New Jersey Avenue SE
Washington DC 20590

**Maritime
Administration**

JUN 27 A 9:07

June 22, 2013

The Honorable Andrew M. Cuomo
Governor of New York
Albany, NY 12224

Re: Deepwater Port License Application and Adjacent Coastal State Determination

Dear Governor Cuomo:

On September 28, 2012, Liberty Natural Gas LLC submitted an application to the U.S. Department of Transportation's (USDOT's) Maritime Administration (MARAD) for a license to own, construct, and operate a deepwater port offshore natural gas terminal known as Port Ambrose. Port Ambrose is proposed to be located approximately 17 nautical miles southeast of Jones Beach, New York, approximately 24 nautical miles east of Long Branch, New Jersey, and about 27 nautical miles from the entrance to New York Harbor.

This letter is to inform you that MARAD has designated New York and New Jersey as adjacent coastal states for the Port Ambrose deepwater port license application. In accordance with the Deepwater Port Act (DWPA) of 1974, as amended, a license to own, construct, and operate a deepwater port must be issued by MARAD. The DWPA requires consultation with the adjacent coastal state(s) and other Federal agencies to ensure any license issued under this authority is in the national interest. In addition, Section 1503 (c)(8) of the DWPA states that, MARAD may issue a license in accordance with the provisions of this chapter if the Governor of the adjacent coastal state or states, pursuant to Section 1508 of this title, approves or is presumed to approve, issuance of the license.

Enclosed is a copy of the Port Ambrose license application, a copy of which we will also forward to Mr. Matthew Maraglio of the New York Department of State (NYDOS) Office of Communities and Waterfronts. MARAD will work with your office and the NYDOS office to identify other key New York agencies and stakeholders to provide them with the Port Ambrose application information and an invitation to participate in the public comment process.

All public hearings on the Port Ambrose application are to be concluded within 240 days after publication of the Notice of Application in the Federal Register, which MARAD published on June 14. Within 45 days of the final hearing, each adjacent coastal state Governor may notify MARAD of their approval, approval with conditions, or disapproval of the application.

Page 2

The Honorable Andrew M. Cuomo

A similar letter has been sent to Governor Christopher Christie of New Jersey. If you have any questions, please call me at (202) 366-5823. We look forward to working with you and your staff.

Sincerely,


Paul N. Jaenichen
Acting Maritime Administrator

Enclosure



U.S. Department
of Transportation

**Maritime
Administration**

DEPARTMENT OF
TRANSPORTATION
MARITIME OPERATIONS

2013 JUN 27 A 9:07

ADMINISTRATOR

1200 New Jersey Avenue SE
Washington DC 20590

June 22, 2013

The Honorable Christopher J. Christie
Governor of New Jersey
Trenton, NJ 08624

Re: Deepwater Port License Application and Adjacent Coastal State Determination

Dear Governor Christie:

On September 28, 2012, Liberty Natural Gas LLC submitted an application to the U.S. Department of Transportation's (USDOT's) Maritime Administration (MARAD) for a license to own, construct, and operate a deepwater port offshore natural gas terminal known as Port Ambrose. Port Ambrose is proposed to be located approximately 17 nautical miles southeast of Jones Beach, New York, approximately 24 nautical miles east of Long Branch, New Jersey, and about 27 nautical miles from the entrance to New York Harbor.

This letter is to inform you that MARAD has designated New Jersey and New York as adjacent coastal states for the Port Ambrose deepwater port license application. In accordance with the Deepwater Port Act (DWPA) of 1974, as amended, a license to own, construct, and operate a deepwater port must be issued by MARAD. The DWPA requires consultation with the adjacent coastal state(s) and other Federal agencies to ensure any license issued under this authority is in the national interest. In addition, Section 1503 (c)(8) of the DWPA states that, MARAD may issue a license in accordance with the provisions of this chapter if the Governor of the adjacent coastal state or states, pursuant to Section 1508 of this title, approves or is presumed to approve, issuance of the license.

Enclosed is a copy of the Port Ambrose license application, a copy of which we will also forward to Mr. Martin Rosen of the New Jersey Department of Environmental Protection (NJDEP), Coastal Management Program Office. MARAD will work with your office and the NJDEP to identify other key New Jersey agencies and stakeholders to provide them with the Port Ambrose application information and an invitation to participate in the public comment process.

All public hearings on the Port Ambrose application are to be concluded within 240 days after publication of the Notice of Application in the Federal Register, which MARAD published on June 14. Within 45 days of the final hearing, each adjacent coastal state Governor may notify MARAD of their approval, approval with conditions, or disapproval of the application.

Page 2

The Honorable Christopher J. Christie

A similar letter has been sent to Governor Andrew Cuomo of New York. If you have any questions, please call me at (202) 366-5823. We look forward to working with you and your staff.

Sincerely,

A handwritten signature in black ink, reading "Paul N. Jaenichen". The signature is written in a cursive style with a large, stylized "P" and "J".

Paul N. Jaenichen
Acting Maritime Administrator

Enclosure



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

AUG -8 2013

Department of Transportation
Docket Management Facility
West Building, Ground Floor, Room W12-140
1200 New Jersey Avenue SE.
Washington, DC 20590-0001

Re: Port Ambrose Deepwater Port Notice of Intent; Docket# USCG-2013-0363

We have reviewed the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Port Ambrose Deepwater Port. Under the current proposal, Liberty Natural Gas, LLC proposes to construct, own and operate a deepwater port and its attendant liquefied natural gas (LNG) terminal in the New York Bight, approximately 17 nautical miles southeast of Jones Beach, New York and 24 nautical miles east of Long Branch, New Jersey. The proposed facility features two Submerged Turret LoadingTM buoy systems (STL Buoy) which would receive natural gas released from purpose-built LNG regassification vessels (LNGRVs) and subsequently introduce it into the existing Transco Lateral for distribution to customers onshore. The lateral pipeline facilities lie approximately 2.2 nautical miles south of Long Beach, New York and 13 nautical miles east of Sandy Hook, New Jersey. The proposed LNG carriers would deliver, on average, 400 million standard cubic feet of natural gas per day (MMscfd) and would use recirculation ballast water cooling systems, eliminating vessel discharges from vaporization. The Port Ambrose facilities are estimated to be receiving approximately 45 deliveries annually.

Project Setting

The New York Bight, a subset of the larger Mid-Atlantic Bight portion of the Northwest Atlantic Ocean, lies at the interface of an immense and interconnected system of open ocean waters, adjacent coastlands, estuarine embayments, and extensive upland watersheds. The extensive habitat complex of the New York Bight provides critical habitat values and functions (i.e., migratory corridors and breeding/spawning, nursery, overwintering, and foraging grounds) for a wide variety of fish and wildlife resources. While some species occur in the New York Bight as full time residents, many are occasional or seasonal transients or highly migratory species. In recognition of these uses, essential fish habitat has been designated throughout the New York Bight and thus, the Port Ambrose study area for a wide variety of federally managed fishery resources.

The immediate project vicinity is used for a variety of purposes ranging from fishing and marine transportation, to providing utility transmission corridors and recreation opportunities. The New York State Department of Environmental Conservation manages and maintains several successful artificial reef sites nearby, including several within or adjacent to the proposed Port Ambrose site. These reefs are visited actively by birders, recreational fishers and commercial harvesters who obtain access via private vessel, party boat charters or other watercraft hailing from docks and ports in the New York/New Jersey area. Given the important ecological values and functions that the local habitats provide for fish and wildlife, as well as the important socio-economic and



recreational services that the area provides to the human community, it will be vital for the EIS to evaluate fully any reasonably foreseeable direct, indirect, or cumulative effects associated with construction and use of the Deepwater Port facilities. We are concerned that the preliminary information is too reliant on data of opportunity or generic regional characterizations of historic species assemblages to be useful for supporting the necessary evaluations for site selection and preferred alternative identification.

Pertinent Regulatory Authorities

The statutes which set forth our mutual responsibilities under the Magnuson Stevens Fishery Conservation and Management Act (MSFCMA), the Fish and Wildlife Coordination Act (FWCA), the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA) have already been presented in our completeness review comments dated October 17, 2012. These statutes collectively provide the framework and authority for our involvement in evaluating potential impacts to fish, wildlife, and their habitats which arise from a wide range of water resource development projects and other human activities.

General Comments

As stated in our October 17, 2012 comments, the EIS should provide sufficient data, studies, analyses, and preliminary determinations in order for us to complete the necessary coordination and meet our mutual regulatory obligations in a timely manner. We note that the baseline for some of these determinations and evaluations has changed since Liberty's 2010 application and the process established for that review must be updated accordingly to suffice for the Port Ambrose application. For instance, certain project details have been revised: five distinct population segments (DPSs) of Atlantic sturgeon (*Acipenser oxyrinchus*) have been listed under the ESA (New York Bight, Chesapeake Bay, South Atlantic and Carolina DPSs are listed as endangered, while the Gulf of Maine DPS is listed as threatened (77 FR 5880; 77 FR 5914; February 6, 2012). In addition, living aquatic resource populations inhabiting or visiting the area have not remained static. Accordingly, the current effort must be tailored to reflect the current proposal and local habitat or natural resource population conditions. We strongly suggest that all data gaps and issues of concern that were raised in our completeness review comments, including the need to collect more appropriate or representative ichthyoplankton and benthic samples, should be completed and the results incorporated in the draft EIS prior to its being made available for public review and comment. These more comprehensive findings also should be used explicitly to support the rationale used to select or reject particular system or design alternatives; to explain how impacts would be avoided and minimized to the extent practicable; and also to substantiate why the project proponents consider their proposed mitigation strategies reasonable compensation for losses or harm that accrues during construction and over the life of the project.

In addition to the themes that we raised previously, it is important to acknowledge that climate change has risen to heightened importance in the wake of significant storms in the New York/New Jersey region. Most recently, Hurricane Irene, Tropical Storm Lee, and Super Storm Sandy created significant local damage and spawned major natural disasters in nearby coastal areas. The EIS should consider how changes in sea level, habitat use and local species assemblages are likely to unfold during the life of the project and what their consequences might be.

Magnuson-Stevens Fishery Conservation and Management Act

As described in our October 17, 2012, letter, we are concerned with the potential effects to these species and habitats from the proposed construction, operation, maintenance, repair, and eventual decommissioning of the Port Ambrose LNG terminal. These concerns include, but are not limited to: benthic habitat disturbances; loss of fishery resources and prey through entrainment or as a consequence of thermal impacts; and a variety of other direct, indirect and cumulative impacts that would accompany project development and operations. As you are aware, the MSFCMA requires federal agencies to consult with the Secretary of Commerce, through NOAA's National Marine Fisheries Service, with respect to "any action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by such agency that may adversely affect any essential fish habitat (EFH) identified under this Act." 16 U.S.C. § 1855(b)(2). The statute defines EFH as "those waters and substrates necessary to fish spawning, breeding, feeding or growth to maturity." 16 U.S.C. § 1853(a)(7) and § 1802(10). Our regulations further define EFH adding, among other things, that "'necessary' means the habitat required to support a sustainable fishery and the managed species' contribution to a healthy ecosystem." 50 C.F.R. §600.10.

The USCG/MARAD must consult with us pursuant to section 305(b)(2) of the MSFCMA on "all actions or proposed actions authorized, funded or undertaken" that may adversely affect EFH. Adverse effects to EFH are defined in our regulations as "any impact that reduces the quality or quantity of EFH." The regulations state:

- An adverse effect may include direct or indirect physical, chemical or biological alterations of the water or substrate and any loss of, or injury to, benthic organisms, prey species and their habitat and other ecosystems components, if such modifications reduce the quality and/or quantity of EFH. Adverse effects to EFH may result from action occurring within EFH or outside EFH and may include site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions. 50 C.F.R. 600.810(a).

The regulations at 50 C.F.R. 600.920 set forth the consultation process that will allow us to make a determination of this project's effects on EFH and provide conservation recommendations to the USCG/MARAD on actions that would adversely affect such habitat pursuant to section 305(b)(4)(A) of the MSFCMA. To initiate an EFH consultation, you must submit an EFH assessment to us. Required components of an EFH assessment include "a description of the action; and analysis of the potential adverse effects of the action on EFH and the managed species; the federal agency's conclusions regarding the effects of the action on EFH; and the proposed mitigation, if applicable." See 50 C.F.R. §600.920(e)(3). Should the project result in substantial adverse impacts to EFH, and expanded EFH consultation may be necessary. See §600.920(i). In the event of an expanded EFH consultation, we may encourage the USCG/MARAD to include additional information in the EFH assessment such as results on on-site inspections, views of recognized experts, a review of pertinent literature, an analysis of alternatives and any other relevant information. See 50 C.F.R. §600.920(e)(4). Finally depending on the degree and type of habitat impact, compensatory mitigation may be necessary to offset permanent and temporary effects of the project.

Documentation made available for consideration refers to the proposed project area as being contained within multiple "10-minute by 10-minute EFH blocks." We presume that such reference stems from some of the material that appears in the NMFS Northeast Region's webpage in the section entitled *Guide to Essential Fish Habitat Designations in the Northeastern United States*. To clarify, the guide is intended only as a quick reference to determine the species and life stages for which EFH is most likely to be designated in a particular area. In order to determine local EFH designations, it is necessary to consult the actual EFH descriptions, habitat preferences and life history parameters provided in the *Guide to EFH Descriptions* for each species. In some cases, it also may be necessary to refer to the more extensive information provided in the actual designation documents and current Fishery Management Plans. After you have made any necessary corrections to the EFH list for this project, and before you proceed with preparing an EFH assessment, we suggest that you first coordinate with us to ensure that the list of designations is complete and that we mutually agree that the nature and scope of issues that you plan to include in the EFH assessment will adequately present and analyze the direct, indirect, and cumulative effects of the project both during its construction and in the interim until it is decommissioned.

Fish and Wildlife Coordination Act

The FWCA provides authority for our involvement in evaluating impacts to fish and wildlife from proposed water resource development projects and other human activities that may affect waters of the United States. The FWCA specifically requires that wildlife conservation be given equal consideration to other features of water resource development programs through planning, development, maintenance and coordination of wildlife conservation and rehabilitation. Wildlife and wildlife resources are defined by the Act to include: birds, fish, mammals and all other classes of wild animals and all types of aquatic and land vegetation upon which such wildlife dependent. These consultation and coordination activities are intended to prevent loss or damage to fish and wildlife resources and to provide appropriate measures to mitigate adverse impacts associated with proposed human activities.

While many of the impacts that would accrue to federally managed fishery resources under the MSFCMA also would accrue to FWCA species, it is important to note that the interests of some species would not be represented adequately by relying on the EFH assessment alone. For instance, lobsters and crabs do not have an appropriate surrogate among the federally managed fishery resources that have EFH designated in the project vicinity and their needs and those of other non-represented species should be discussed at length in this section. Similarly, the behaviors and habitat needs of diadromous and estuary-dependent fishes may not be represented by a discussion surrounding marine fishes. The discussion for FWCA species should be designed around an ecological guild model that uses locally important species to evaluate the project impacts to organisms or populations associated with the various trophic levels and life history strategies exhibited by FWCA species known to occupy the project site as residents or transients. Focus should be on issues surrounding particular species, life history stages, or habitat components that would be most susceptible to the various potential impacts.

Endangered Species Act

The following ESA listed species under our jurisdiction are likely to be found in the New York Bight, and thus, the Port Ambrose project area:

- North Atlantic right whale (*Eubalaena glacialis*);
- Humpback whale (*Megaptera novaeangliae*);
- Fin whale (*Balaenoptera physalus*);
- Northwest Atlantic Ocean Distinct Population Segment (DPS) of loggerhead sea turtle (*Caretta caretta*);
- Kemp's ridley sea turtle (*Leptodochelys kempi*);
- Green sea turtle (*Chelonia mydas*);
- Leatherback sea turtle (*Dermochelys coriacea*); and
- Atlantic sturgeon (*Acipenser oxyrinchus*), including all 5 DPSs (New York Bight; Carolina, South Atlantic, Chesapeake Bay, and Gulf of Maine).

As provided in our October 17, 2012, letter, we are concerned with the potential effects to these species from the proposed construction, operation (including maintenance and repair), and decommissioning of the Port Ambrose LNG terminal. These concerns include, but are not limited to, large whale ship strike/vessel collision; listed species interactions with project equipment; alteration of the physical environment and essential habitat; phytoplankton/zooplankton entrainment via seawater withdrawal; and acoustic disturbance that could result in injury or harassment to our listed species (see October 17, 2012, letter for further details). The EIS needs to consider and provide a thorough analysis of these issues and their direct, indirect, and cumulative effects to our listed species and their habitat.

Additionally, as you know, section 7 of the Endangered Species Act (16 U.S.C. § 1536(a)(2)) requires Federal agencies to consult with the Secretary of Commerce, through NOAA, to insure that "any action authorized, funded, or carried out by such agency . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or adversely modify or destroy [designated] critical habitat . . ." See also 50 C.F.R. part 402. As ESA listed species under our jurisdiction will occur in the project area, and effects to these species are likely, consultation under the ESA will be necessary (See 50 C.F.R. § 402.14). As such, further coordination will be necessary with our Protected Resources Division to meet your obligations under section 7 of the ESA. Additionally, the information and analysis presented in your EIS will be essential in our future coordination and consultation on the proposed action.

Marine Mammal Protection Act

As provided in our October 17, 2012, letter, under the MMPA, the Secretary of Commerce, through NOAA, may authorize the take of small numbers of marine mammals incidental to otherwise lawful activities provided that the takings would have no more than a negligible impact on those marine mammal species and would not have an unmitigatable adverse impact on the availability of those species for subsistence uses. An activity has a "negligible impact" on a species or stock when it is determined that total taking by the activity is not reasonably likely to reduce annual rates of survival or annual recruitment (i.e., offspring survival, birth rates). Most incidental take authorizations to date have involved the incidental harassment of marine mammals by sound. In the event that any aspect of the project will result in a marine mammal "take," you or the project applicant would be responsible for obtaining an incidental take authorization in advance from us. See 16 U.S.C. §§ 1371(a)(5)(A) and (a)(5)(D).

Comments on Defined Project Elements

Project Alternatives Discussion

The National Environmental Policy Act (NEPA) requires that the environmental analysis includes a robust discussion of system, design, conservation, and other alternatives that could be used to address the stated project need. While the supplemental information provided for our consideration includes many appropriate sections for review, alternatives to be considered should be fully supported. In addition, the relative advantages and disadvantages for each alternative are presented to explain how each option fulfills the overarching goals of avoiding, minimizing, and mitigating the long and short term impacts as fully as practicable. This section also should describe why the proposed site is being considered over other regional alternatives. It will be critically important for the project proponents to justify why this location is the most suitable and least environmentally damaging alternative available and why other potential sites in the New York Bight were rejected. We specifically note that such an advanced stance on project siting is premature given that the initial ichthyoplankton, benthic invertebrate, and other natural resource inventories do not adequately characterize local populations.

Complete Project

The DEIS should include appropriate descriptive narrative for all project elements, including temporarily disturbed parcels on land that are necessary for staging or fabrication. The discussion should assess all direct, indirect and cumulative impacts associated with the project from the initial construction, to those that would accrue while the facilities are in operation, are being repaired or maintained, and ultimately are decommissioned. This will allow us to better understand the scope of the proposed action and the USCG/MARAD's analysis.

Water Intakes and Discharges

The information regarding the amount of water that would be used to hydrostatically test the pipe and details concerning the manner and conditions under which it would be drawn should be stated as clearly and thoroughly as possible. As the water is drawn, it will entrain various life stages of managed resources or their prey which will die. The EIS should include details on any and all methods or measures that would be observed to prevent entrainment and associated mortality. Closed cycle systems would greatly reduce the amount of water that would have to be drawn in for cooling and supplying the regassification vessel's "domestic" water supply. Similarly, the vessels will have intakes for receiving ballast water as the LNG is returned to a gaseous state and introduced into the lateral through the STL Buoy.

Water discharges related to the hydrostatic testing may include biocides. This discussion should include a complete explanation of what substances would be permitted for use, information on how the water would be rendered safe for discharge into the water way or otherwise disposed, and any other related information. Discharges from the tankers' regassification cooling systems would be thermally enriched and create a plume emanating from the discharge point. Mitigation, including foregoing use of open systems or requiring diffusers or other design features, could be used to mitigate thermal impacts or largely avoid them. We note that excess heat can kill or harm susceptible organisms by exceeding the temperatures they are capable of withstanding, and stimulating spikes in local biological oxygen demand. The thermal plumes associated with the regassification process also can create artificial thermal refuges that could entice semitropical fishes and

sea turtles to remain in the project past the period in the fall when they normally migrate to southerly waters, rendering them susceptible to hypothermia-related mortality. These and other threats should be included in the evaluation and considered in selecting the eventual preferred project alternative.

Whether they are physically entrained or adversely affected by thermally enriched discharges, organisms lost to the system are no longer available to recruit to fisheries, and thus, could result in fewer potential prey being available for survivors and other adverse impacts. The area engulfed in the plume potentially could include one or more of the NYSDEC reef sites or natural areas that provide similar functions. Hydrologic modeling is necessary to establish the likely areal extent and behavior of the plume under various conditions to understand whether the reefs or other sensitive areas in the general vicinity would be adversely affected by the thermal plume. The EIS should include all appropriate and practicable means of avoiding and minimizing these impacts.

Need for Enhanced Site Characteristics Studies

As noted in our completeness review comments, more robust studies are necessary to understand the species assemblage that is present at the proposed site alternatives in order to facilitate evaluation of project impacts on those biota. Since there is a seasonal component associated with different species and life stages, we suggest that any survey conducted for this project must include appropriately designed and sited investigations that provide both qualitative and quantitative information regarding the species present, their relative abundance, and other pertinent information.

Fisheries Information

We recommend that the applicant provide additional fisheries information, including information on the economic impacts of a potential fisheries exclusion zone. It is important to use current and accurate data and information in determining the potential impacts on historical, current and future fishing activities. The proposed DWP site is in area known as Cholera Bank. This area and the adjacent Middle Ground, Angler Bank, East of Cholera and Mussel grounds are all important recreational and commercial fishing grounds. The applicant should discuss the economic impacts caused by the creation of an exclusion zone that would preclude commercial and recreational fishing activity in the area. We recommend a discussion of ecological effects to fishery resources as a result of the exclusion of commercial fishing operations be included. For example, issues such as displacement of existing commercial fisheries into other areas resulting in increased fishing pressure to other locations need to be addressed.

We also recommend that you include in the NEPA document a comprehensive discussion of the socio-economic impacts resulting from the potential exclusion of commercial and recreational fishing operations within the vicinity of the DWP area. The NEPA document should also evaluate the regional impacts on fishing ports resulting from the potential closure of these fishing grounds due to LNG operations.

Cumulative Effects

We recommend that the applicant more clearly describe the relationship between the project and other projects in the area. The applicant notes the lease application by the New York Power Au-

thority to develop an offshore wind facility in close proximity to the proposed DWP location. While the applicant suggests the potential for compatible uses between the two facilities, the Port Ambrose project should consider cumulative effects of the two projects on fish habitat, fishery resources and commercial and recreational fishing activities.

Conclusion

Thank you for the opportunity to provide these comments in response to the NOI to prepare an EIS for the proposed Port Ambrose LNG Deepwater Port. We look forward to working with you as the project is better defined and the preferred alternatives are identified. If you have any questions regarding our habitat area of responsibility, please contact me at 978-281-9131. For ESA listed species issues, please contact Danielle Palmer of our Protected Resources Division (928-281-9468).

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Boelke', written in a cursive style.

Christopher Boelke
Field Office Supervisor
For Habitat Conservation

cc Colonel Paul Owen, ACOE
Jodi MacDonald, ACOE
Mark Prescott, USCG
Eric Schradling, USFWS
David Stillwell, USFWS
Steven Sinkevich, USFWS
Linda Canzanelli, NPS
Christopher Moore, MAFMC
Grace Musumeci, USEPA
Robert Martin, NJDEP
David Chanda, NJDEP
David Fanz, NJDEP
Venetia Lannon, NYDEC
Peter Scully, NYDEC
Jeffery Zappieri, NYDOS
Tim McCune, NMFS HQ

U.S. Department of
Homeland Security

United States
Coast Guard



DEPARTMENT OF
Homeland Security
United States Coast Guard
DOCKET OPERATIONS

2013 AUG 21 P 2:10

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16613

Mr. Mark Murray-Brown
Protected Resources Division
National Marine Fisheries Service
Northeast Regional Office, Protected Resource Office
55 Great Republic Drive
Gloucester MA 01930

AUG 08 2013

Subject: REQUEST FOR INFORMAL CONSULTATION - LIBERTY NATURAL GAS LLC
DEEPWATER PORT (USCG-2013-0363)

Dear Mr. Murray-Brown:

On September 28, 2012, Liberty Natural Gas LLC (Liberty) submitted an application to own, construct, and operate a deepwater port (DWP). The proposed port would be located in Federal waters approximately 17 nautical miles southeast of Jones Beach, New York, approximately 24 nautical miles east of Long Branch, New Jersey, and about 27 nautical miles from the entrance to New York Harbor, in a water depth of approximately 103 feet.

Liquefied Natural Gas (LNG) would be delivered from purpose-built LNG regasification vessels, vaporized on site, and delivered through two Submerged Turret Loading Buoys (STL Buoys), flexible riser/umbilical, subsea manifold and lateral pipelines to a buried 19 nautical mile subsea pipeline connecting to the existing Transco Lower New York Bay Lateral in New York State waters approximately 2.2 nautical miles south of Long Beach, New York and 13 nautical miles east of New Jersey. The buoys would be lowered to rest on a landing pad when not in use and would also include a pile-anchored mooring array. The Liberty deepwater port license application is available for viewing and downloading from the Federal Docket Management Facility site at <http://www.regulations.gov>, Docket Number "USCG-2013-0363".

As stated in our Notice of Intent, dated June 24, 2013, the U.S. Coast Guard (USCG) and Maritime Administration (MARAD) are preparing an Environmental Impact Statement (EIS) as part of the processing of Liberty's license application. Past experience in analyzing the construction and operation of similarly situated deepwater ports leads us to make a preliminary conclusion that construction and operation of the Port Ambrose deepwater port may affect, but is not likely to adversely affect, species listed as threatened or endangered, or designated critical habitat, under the Endangered Species Act (ESA). However, we intend to fully analyze these matters in the EIS and look forward to your assistance in validating the data that is gathered.¹ The EIS is being prepared in accordance with the provisions of the Deepwater Port Act of 1974, as amended (33 U.S.C. §1501 *et seq.*); the National Environmental Policy Act (42 U.S.C. § 4321 *et seq.*), as implemented by the Council on Environmental Quality regulations (40 C.F.R. §§

¹ If the analysis shows that there may be an adverse affect on listed species or critical habitat, the EIS would be submitted as our Biological Assessment/Evaluation of the proposed action to initiate formal consultation.

Subj: REQUEST FOR INFORMAL CONSULTATION – 16613
LIBERTY NATURAL GAS LLC DEEPWATER PORT (USCG-2013-0363)

1500-1508); USCG Commandant Instruction M16475.1D (National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts); Department of Homeland Security Directive 023-01 Environmental Planning program; and other appropriate and applicable regulations.

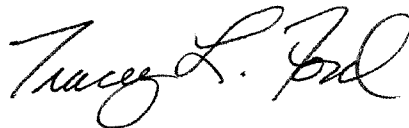
In accordance with Section 7 of the ESA, as amended, we seek to informally consult with your office regarding the presence of federally-listed threatened and endangered species and critical habitat that may be affected by the Proposed Action. To fully assess the potential impacts associated with the Proposed Action, we request you provide us with a list of threatened and endangered species and designated critical habitat that occurs within the Region of Influence (ROI).

We will also consult with the U.S. Fish and Wildlife Service regarding the presence of federally-listed threatened and endangered species and designated critical habitat under their jurisdiction and with the NOAA Fisheries Habitat Conservation Division regarding essential fish habitat (EFH)

Tetra Tech is providing the USCG with technical assistance in preparation of the EIS. The USCG has designated Tetra Tech as the non-Federal representative for consultation purposes for this action.

Thank you for your assistance; we look forward to working with your office on this project. If you have any questions about the proposed Liberty application, or about the EIS, you may contact Mr. Brad McKittrick of my staff at (202) 372-1443.

Sincerely,



Tracey L. Ford
Acting Director, Office of Deepwater
Ports and Offshore Activities
Maritime Administration

C.E. Borland
Acting Chief,
Deepwater Ports Standards Division
U.S. Coast Guard
By direction

Copy: Mr. John Bullard, Regional Administrator, NMFS Northeast Region

U.S. Department of
Homeland Security

United States
Coast Guard



DEPARTMENT OF
Commandant
United States Coast Guard
DOCKET OPERATIONS

2013 AUG 21 P 2:10

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16613

Steven Papa
U.S. Fish & Wildlife Service
Long Island Field Office
340 Smith Road
Shirley, NY 11967

AUG 08 2013

Subject: REQUEST FOR INFORMAL CONSULTATION - LIBERTY NATURAL GAS LLC
DEEPWATER PORT (USCG-2013-0363)

Dear Mr. Papa:

On September 28, 2012, Liberty Natural Gas LLC (Liberty) submitted an application to own, construct, and operate a deepwater port (DWP). The proposed port would be located in Federal waters approximately 17 nautical miles southeast of Jones Beach, New York, approximately 24 nautical miles east of Long Branch, New Jersey, and about 27 nautical miles from the entrance to New York Harbor, in a water depth of approximately 103 feet.

Liquefied Natural Gas (LNG) would be delivered from purpose-built LNG regasification vessels, vaporized on site, and delivered through two Submerged Turret Loading Buoys (STL Buoys), flexible riser/umbilical, subsea pipeline and lateral pipelines to a buried 19 nautical mile subsea Mainline connecting to the existing Transco Lower New York Bay Lateral in New York State waters approximately 2.2 nautical miles south of Long Beach, New York and 13 nautical miles east of New Jersey. The buoys would be lowered to rest on a landing pad when not in use and would also include a pile-anchored mooring array. The Liberty deepwater license application is available for viewing and downloading from the Federal Docket Management Facility site at <http://www.regulations.gov>, Docket Number "USCG-2013-0363".

As stated in our Notice of Intent, dated June 24, 2013, the U.S. Coast Guard (USCG) and Maritime Administration (MARAD) are preparing an Environmental Impact Statement (EIS) as part of the processing of Liberty's license application. Past experience in analyzing the construction and operation of similarly situated deepwater ports leads us to make a preliminary conclusion that construction and operation of the Port Ambrose deepwater port may affect, but is not likely to adversely affect, species listed as threatened or endangered, or designated critical habitat, under the Endangered Species Act (ESA). However, we intend to fully analyze these matters in the EIS and look forward to your assistance in validating the data that is gathered.¹ The EIS is being prepared in accordance with the provisions of the Deepwater Port Act of 1974, as amended (33 U.S.C. §1501 et seq.); the National Environmental Policy Act 42 (U.S.C. § 4321 et seq.), as implemented by the Council on Environmental Quality regulations (40 C.F.R. §§ 1500-1508); USCG Commandant Instruction M16475.1D (National Environmental Policy Act

¹ If the analysis shows that there may be an adverse affect on listed species or critical habitat, the EIS would be submitted as our Biological Assessment/Evaluation of the proposed action to initiate formal consultation.

Subj: REQUEST FOR INFORMAL CONSULTATION –
LIBERTY NATURAL GAS LLC DEEPWATER PORT (USCG-2013-0363)

16613

Implementing Procedures and Policy for Considering Environmental Impacts); Department of Homeland Security Directive 023-01 Environmental Planning program; and other appropriate and applicable regulations.

In accordance with Section 7 of the Endangered Species Act (ESA), as amended, we seek to informally consult with your office regarding the presence of federally-listed threatened and endangered species and critical habitat that may be affected by the Proposed Action. To fully assess the potential impacts associated with the Proposed Action, we request you provide us with a list of threatened and endangered species and designated critical habitat that occurs within the Region of Influence (ROI).

We will also consult with the National Oceanic and Atmospheric Administration (NOAA), Fisheries Protected Resources Division, regarding the presence of federally-listed threatened and endangered species and designated critical habitat under their jurisdiction and with NOAA Fisheries Habitat Conservation Division regarding essential fish habitat (EFH)

Tetra Tech is providing the USCG with technical assistance in preparation of the EIS. The USCG has designated Tetra Tech as the non-Federal representative for consultation purposes for this action.

Thank you for your assistance, we look forward to working with your office on this project. If you have any questions about the proposed Liberty application or about the EIS, you may contact Mr. Brad McKittrick of my staff at (202) 372-1443.

Sincerely,



Tracey L. Ford
Acting Director, Office of Deepwater
Ports and Offshore Activities
Maritime Administration

C.E. Borland
Acting Chief
Deepwater Ports Standards Division
U.S. Coast Guard
By direction

DEPARTMENT OF
TRANSPORTATION
COCKET OPERATIONS

2013 AUG 21 P 2:10



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

AUG 12 2013

Tracey L. Ford, Acting Director
Office of Deepwater Ports and
Offshore Activities
Maritime Administration
1200 New Jersey Avenue SE, W23-323 (MAR-530)
Washington, DC 20590

C.E. Borland, Acting Chief
Deepwater Ports Standards Division
United States Coast Guard
2100 Second Street, SW
Washington, DC 20593-0001

Re: Liberty Natural Gas, LLC Deepwater Port (USCG-2013-0363)

Dear Mr. Borland and Ms. Ford,

This is in response to your letter dated August 8, 2013, regarding Liberty Natural Gas, LLC's, proposal to own, construct, and operate a deepwater port (Port Ambrose) in the Atlantic Ocean, approximately 17 nautical miles southeast of Jones Beach, New York; approximately 24 nautical miles east of Long Branch, New Jersey; and approximately 27 nautical miles from the entrance to New York Harbor. You have requested information on the presence of species listed by NOAA's National Marine Fisheries Service (NMFS) in the project area.

The following Endangered Species Act (ESA) listed species under NOAA's NMFS are likely to occur in the proposed project area:

<u>Species</u>	<u>Status</u>
Gulf of Maine Distinct Population Segment (DPS) of Atlantic Sturgeon (<i>Acipenser oxyrinchus oxyrinchus</i>)	Threatened
New York Bight DPS of Atlantic sturgeon	Endangered
Chesapeake Bay DPS of Atlantic sturgeon	Endangered
Carolina DPS of Atlantic sturgeon	Endangered
South Atlantic DPS of Atlantic sturgeon	Endangered
Northwest Atlantic Ocean DPS of loggerhead sea turtle (<i>Caretta caretta</i>)	Threatened
Kemp's ridley sea turtle (<i>Lepidochelys kempi</i>)	Endangered
Green sea turtle (<i>Chelonia mydas</i>)	Endangered



Leatherback sea turtle (<i>Dermochelys coriacea</i>)	Endangered
North Atlantic Right Whales (<i>Eubalaena glacialis</i>)	Endangered
Humpback whale (<i>Megaptera novaeangliae</i>)	Endangered
Fin whale (<i>Balaenoptera physalus</i>)	Endangered

Listed species of Atlantic sturgeon may be present in the project area year round, while listed species of sea turtles are known to be present in the waters of New York and New Jersey from May through November, with the highest concentration of sea turtles present from June to October. The federally endangered North Atlantic right, humpback, and fin whales, are seasonally present in the waters off New York and New Jersey. These species of whales use the nearshore, coastal waters of the Atlantic Ocean as a migration route to and from calving and foraging grounds. Humpback and fin whales primarily occur in the waters of New York and New Jersey during the spring, summer and fall months, while the North Atlantic right whale primarily occur in these waters from November 1 through April 30, although transient right whales can be present outside of this time frame. Additionally, during the November 1 through April 30 timeframe, a seasonal management area (SMA) has been designated for North Atlantic right whales within a 20-nautical mile radius (as measured seaward from the COLREGS lines) of the entrance to the Ports of New York and New Jersey (located at 40°29'42.2"N and 073°55'57.6"W). Vessels 65 feet or greater in overall length transiting through the SMA at this time are restricted to 10 knots or less to protect right whales in their migratory routes.¹ As the proposed project will cross waters of the SMA, please be aware of these regulations should your proposed project occur during the months of November 1 through April 30.

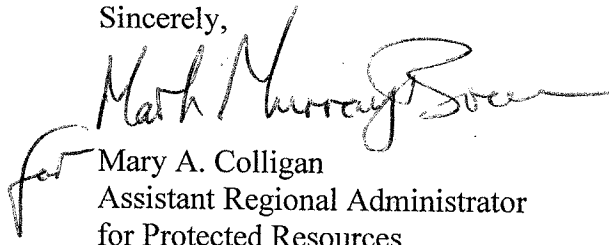
Conclusion

As listed species are likely to be present in the action area of this project, a consultation, pursuant to Section 7 of the Endangered Species Act (ESA) of 1973, may be necessary. As you may know, any discretionary federal action, such as the approval or funding of a project by a Federal agency, that may affect a listed species must undergo consultation pursuant to Section 7 of the Endangered Species Act (ESA) of 1973, as amended. If the proposed project has the potential to affect listed species and it is being approved, permitted or funded by a Federal agency, the lead Federal agency, or their designated non-Federal representative, is responsible for determining whether the proposed action is likely to affect this species. The Federal agency would submit their determination along with justification for their determination and a request for concurrence, to the attention of the Endangered Species Coordinator, NMFS Northeast Regional Office, Protected Resources Division, 55 Great Republic Drive, Gloucester, MA 01930. After reviewing this information, NMFS would then be able to conduct a consultation under Section 7 of the

¹ For more information on this SMA, see http://www.nmfs.noaa.gov/pr/pdfs/shipstrike/compliance_guide.pdf.

ESA. Should you have any questions about these comments or about the Section 7 consultation process in general, please contact Danielle Palmer (978-282-8468; Danielle.Palmer@noaa.gov).

Sincerely,


for Mary A. Colligan
Assistant Regional Administrator
for Protected Resources

EC: Palmer, NMFS/PRD
Rusanowsky, Boelke NMFS/HCD

File Code: Sec 7 technical assistance 2013-- Port Ambrose LNG



April 7, 2014

Mr. William Brian Yates
Historic Preservation Specialist
New York Division for Historic Preservation
NYS OPRHP
Peebles Island Resource Center
Delaware Avenue
Cohoes, New York 12047

**Subject: Deepwater Port License Application
Liberty Natural Gas LLC, Port Ambrose Deepwater Port
Federal Waters off of New York and New Jersey
OPRHP PR#: 12PR00425
Project Update**

Dear Mr. Yates:

As Third Party consultant to the U.S. Coast Guard (USCG), which is preparing an environmental impact statement (EIS) in coordination with the Maritime Administration (MARAD) as part of the environmental review of the Port Ambrose Deepwater Port license application, I wanted to inform you of a Project modification. The application describes an offshore natural gas deepwater port facility that would be in the New York Bight. Pursuant to the criteria provided by the Deepwater Port Act of 1974, as amended, (33 U.S.C. §§1501 *et seq.*), both New Jersey and New York are the Adjacent Coastal States for this application.

As I described to you by letter of September 24, 2013, Port Ambrose would consist of two submerged turret loading buoys located in Federal waters approximately 17 nautical miles southeast of Jones Beach, New York, 24 nautical miles east of Long Branch, New Jersey, and about 27 nautical miles from the entrance to New York Harbor in a water depth of approximately 103 feet.

It has been identified that the proposed pipeline would cross an extant non-regulated Anchorage Area for a distance of 3.1 miles (Figure 1) from milepost 17 to milepost 20.1. In order to protect the proposed pipeline in this area, Liberty Natural Gas, LLC (Liberty) proposes to bury the pipeline in the Anchorage Area at a greater depth than originally proposed. The anticipated depth for the top of the pipeline in this area would be 7 feet with the trenching disturbance for pipeline installation limited to 10 feet.

The USCG has received a letter from Liberty's contractor confirming that surveys were performed in accordance with "The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation" (48 FR 44716), the Abandoned Shipwrecks Act of 1987 (43 U.S.C. 2101-2106), and the archeological resources field survey and reporting guidelines established by the Department of the Interior's Bureau of Ocean Energy Management.

Assessments were conducted utilizing remote sensing, sedimentological, and geochronological data. The subbottom profiler was generally able to achieve high-resolution sub-surface data collection to depths of 5-20 feet. Core samples were also collected from the upper 10-15 feet of the seabed. Although three paleochannels were identified, Liberty's contractor concluded that there is a low potential for the preservation of intact prehistoric archeological sites in the area due to site destruction processes.

The USCG is requesting confirmation from your office that Liberty's contractor has conducted all necessary survey work in this area and that no further survey work is required. Should you have any questions or concerns about the Project and this modification, you may reach me by telephone at (973) 630-8104, by e-mail at sydne.marshall@tetrattech.com, or by mail at my letterhead address, or Mr. Tim Feehan, Tetra Tech Project Manager, at 617-443-7521 (timothy.feehan@tetrattech.com).

Thank you for your attention.

Sincerely,

A handwritten signature in dark ink, reading "Sydne B. Marshall". The signature is fluid and cursive, with the first name "Sydne" being more prominent.

Sydne B. Marshall, Ph.D., RPA
Cultural Resources Lead

Enclosure: Figure 1

cc: Brian Yates (NYSHPO)
Roddy Bachman (USCG)
Curtis Borland (USCG)
Bradley McKittrick (USCG)
Tracey Ford (MARAD)
Wade Moorefield (MARAD)
Tim Feehan (Tetra Tech)
Sean Sparks (Tetra Tech)

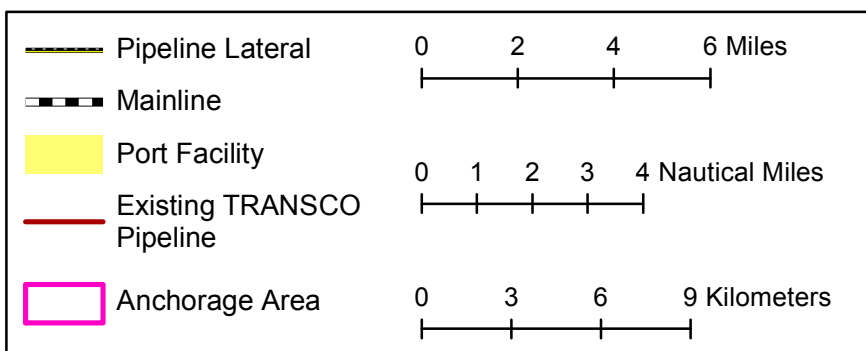
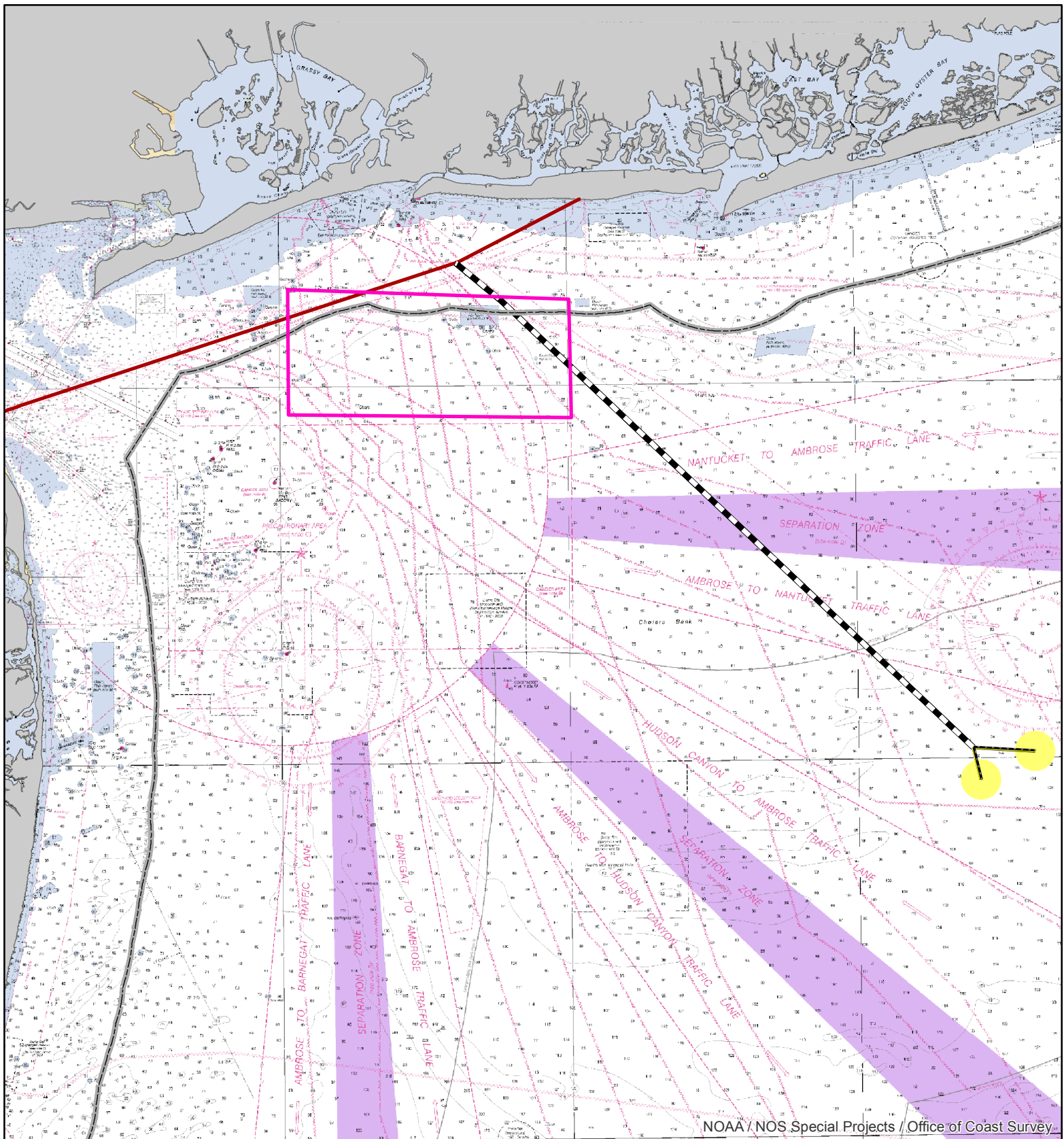
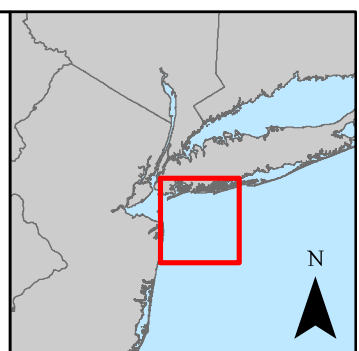


Figure 1:
Anchorage
Area





August 19, 2013

Mr. Franklin Keel
Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriot Drive, Suite 700
Nashville, Tennessee 37214

**Subject: Deepwater Port License Application
Liberty Natural Gas LLC, Port Ambrose Deepwater Port
Federal Waters off of New York and New Jersey
Request for Tribal Consultation Information**

Dear Mr. Keel:

The Maritime Administration (MARAD), in coordination with the U.S. Coast Guard (USCG), will prepare an environmental impact statement (EIS) as part of the environmental review of the Port Ambrose Deepwater Port License Application. The application describes an offshore natural gas deepwater port facility that would be in the New York Bight. Pursuant to the criteria provided by the Deepwater Port Act of 1974, as amended, 33 U.S.C. 1501 *et seq.* (the Act), both New Jersey and New York are the Adjacent Coastal States for this application.

Liberty Natural Gas, LLC proposes to construct, own, and operate a liquefied natural gas (LNG) deepwater port, known as Port Ambrose. The Port Ambrose facility will be located at a different proposed location and include a different design than the previous deepwater port license application submitted by Liberty Natural Gas, LLC in 2010. Port Ambrose would consist of two Submerged Turret Loading Buoys (STL Buoys) in Federal waters approximately 17 nautical miles southeast of Jones Beach, New York, 24 nautical miles east of Long Branch, New Jersey, an about 27 nautical miles from the entrance to New York Harbor in a water depth of approximately 103 feet.

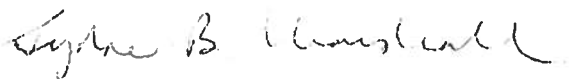
Under contract to the USCG, Tetra Tech is assisting USCG as a Third Party EIS consultant. On behalf of USCG, I request guidance on identification of appropriate Native American tribes that may be affected as a result of the construction and operation of this project. USCG would reach out to such tribes as per requirements under Section 106 of the National Historic Preservation Act of 1966, as amended. I would appreciate if it you would also send appropriate tribal contact names and addresses.

If you have any questions, please do not hesitate to reach me by telephone at (973) 630-8104 or by e-mail at sydne.marshall@tetrattech.com, or Mr. Tim Feehan, Tetra Tech Project Manager, at 617-443-5169 (tim.feehan@tetrattech.com).

Page 2 of 2
Mr. Franklin Keel
August 12, 2013

Thank you for your consideration of this request. I look forward to your response.

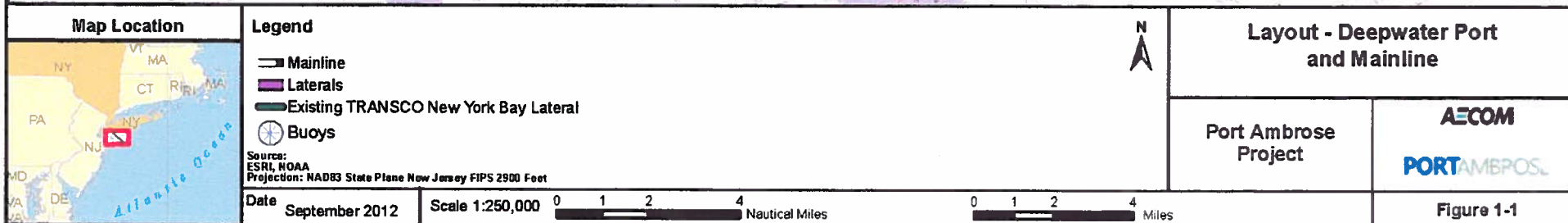
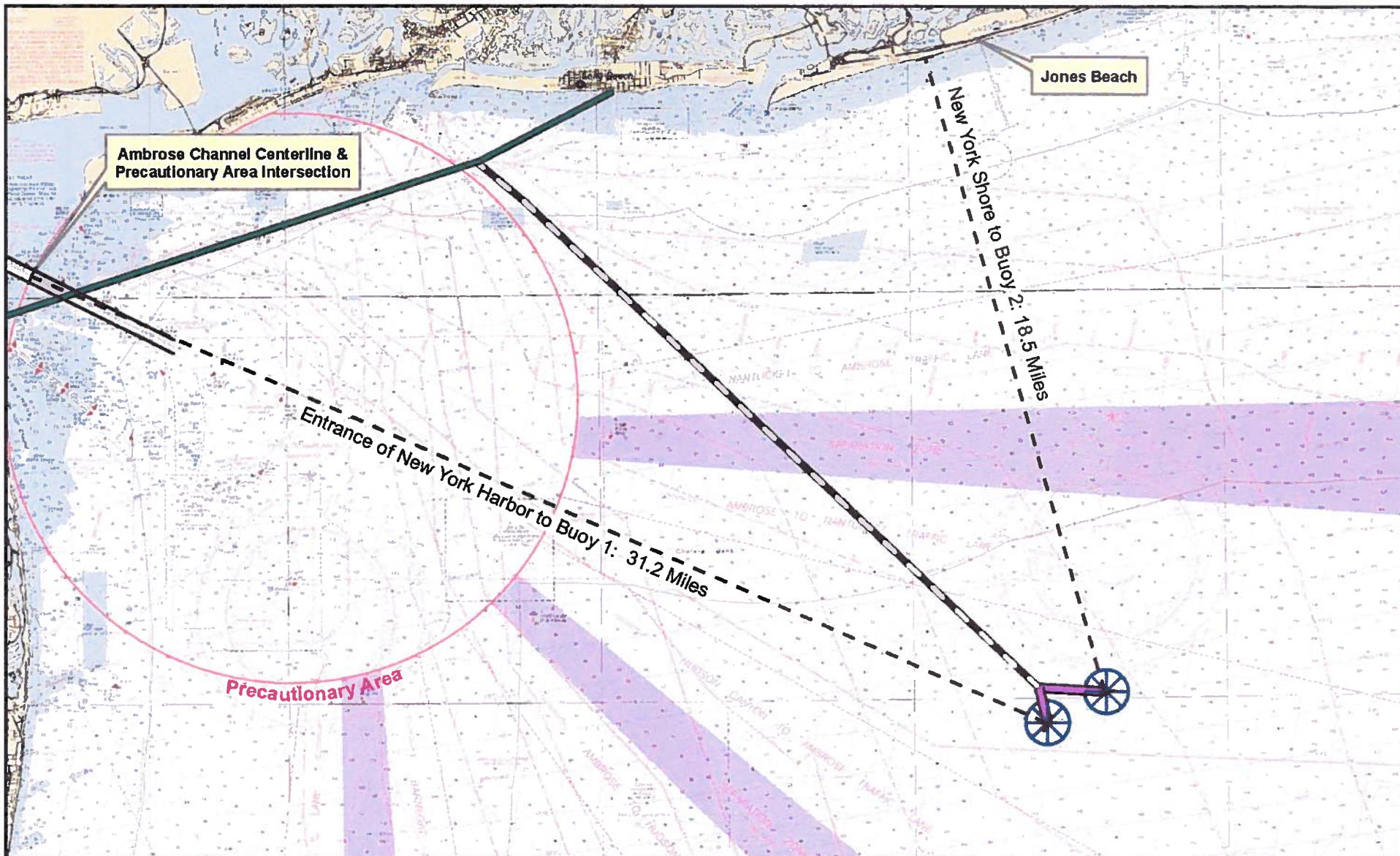
Sincerely,

A handwritten signature in black ink, appearing to read "Sydne B. Marshall". The signature is fluid and cursive, with the first name "Sydne" being more prominent.

Sydne B. Marshall, Ph.D., RPA
Cultural Resources Lead

Enclosure: Figure 1

cc: Roddy Bachman (USCG)
Curtis Borland (USCG)
Bradley McKittrick (USCG)
Tracey Ford (MARAD)
Wade Moorefield (MARAD)
Tim Feehan (Tetra Tech)
Sean Sparks (Tetra Tech)



U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

2703 Martin Luther King Jr. Ave. SE STOP 7509
Washington, DC 20593-7509
Staff Symbol: CG-OES-4
Phone: (202) 372-1444
Fax: (202) 372-8382
Email: Curtis.E.Borland@uscg.mil

16613

OCT 17 2014

To: Agency Distribution

Subj: REQUEST FOR COMMENTS: LIBERTY NATURAL GAS LLC PORT AMBROSE
DEEPWATER PORT INTERIM DRAFT ENVIRONMENTAL IMPACT STATEMENT

Ref: Docket# USCG-2013-0363

Dear Federal Agency Representative:

Please find enclosed the Interim Draft Environmental Impact Statement (IDEIS) for the Liberty Natural Gas LLC Port Ambrose deepwater port license application for your review and comment.

As a cooperating agency in this matter, please conduct a preliminary review of the IDEIS and advise whether there are deficiencies that should be resolved prior to publication of the Notice of Availability of the Draft Environmental Impact Statement (Draft EIS) in the Federal Register. If you believe the document satisfies the requirements of your agency, please advise accordingly. Another opportunity to review and comment will be provided during the 45 day comment period that will follow publication of the Draft EIS.

Due to the strict application processing timetable set forth in the Deepwater Port Act, I request you provide your comments *electronically* using enclosure (1) (comment response matrix) or by other means not later than Monday, November 3, 2014 to Roddy.C.Bachman@uscg.mil and Bradley.K.McKitrick@uscg.mil. If we have not heard from your agency at the end of this interagency comment period, we will presume the document is satisfactory at this stage of its development and begin preparation of the Draft EIS.

If there are others within your organization who should also receive this, please forward as necessary. Additional copies of the IDEIS will be provided upon request.

Thank you for your assistance. If you have any questions, please contact Mr. Roddy Bachman (202) 372-1451 or Mr. Bradley McKitrick (202) 373-1443 of my staff.

Sincerely,

A handwritten signature in black ink, appearing to read "C. E. Borland".

C. E. BORLAND
Acting Chief, Deepwater Ports Standards Division
U.S. Coast Guard

Copy: Ms. Yvette Fields, MARAD

Enclosures: (1) Comment Response Matrix
(2) Agency Distribution List
(3) Interim Draft EIS



New York State Office of Parks, Recreation and Historic Preservation

Division for Historic Preservation
P.O. Box 189, Waterford, New York 12188-0189
518-237-8643

Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

December 13, 2013

Sydne Marshall
Tetra Tech
1000 The American Road
Morris Plains, New Jersey 07950

Re: Department of the Interior
*Deepwater Port License Application - Liberty Natural Gas LLC, Port Ambrose
Deepwater Port, Federal Waters off of New York and New Jersey: Request for
Information about Cultural Resources Concerns*
12PR00425

Dear Ms. Marshall:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the submitted information requesting information about cultural resources concerns for the above listed project. We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966, *as amended*, and its implementing regulations 36 CFR Part 800 – Protection of Historic Properties. The purpose of this letter is a follow up to our electronic mail correspondence on November 11, 2013 and subsequently on November 19, 2013.

It is the understanding of our office that an Environmental Impact Statement (EIS) will be prepared for the proposed undertaking. As part of that process, Tetra Tech has requested information from our office about potential effects on historic properties listed, or eligible for listing, on the National Register of Historic Places.

After extensive review of records available in our office, assessment of remote sensing surveys, and consultation with several knowledgeable regional contacts, our office can provide no information regarding any potential significant historic properties within the area of potential effect (APE) that extends into New York State jurisdictional waters. Furthermore, as there will be limited construction within New York State waters, there is limited potential for such resources to occur. However, should project parameters change, please inform us of any modifications by submission of those changes to our office for review and comment.

Ms. Sydne Marshall

December 13, 2013

12PR00425

Page 2

Our office looks forward to further consultation with you on the proposed project. Should you have any questions, please feel free to contact me directly at (518) 237-8643, Extension 3288 or via electronic mail at Brian.Yates@parks.ny.gov. If further correspondence is required regarding this project, please be sure to refer to OPRHP Project Review (PR) number 12PR00425.

Sincerely,



Wm. Brian Yates

Historic Preservation Specialist



State of New Jersey

MAIL CODE 501-04B

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NATURAL & HISTORIC RESOURCES

HISTORIC PRESERVATION OFFICE

P.O. Box 420

Trenton, NJ 08625-0420

TEL. (609) 984-0176 FAX (609) 984-0578

CHRIS CHRISTIE
Governor

BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

September 24, 2013

Sydne B. Marshall
Cultural Resources Lead
Tetra Tech
1000 The American Road
Morris Plains, New Jersey 07950

**RE: Monmouth County
Port Ambrose Deepwater Port
Liberty Natural Gas, LLC
Deepwater Port License Application
United States Coast Guard**

Dear Dr. Marshall:

Thank you for providing the opportunity to review and comment on the potential for the above-referenced project to affect historic properties. The Historic Preservation Office (HPO) reviews projects for their effects on historic properties when federal funding, licensing, or permitting is involved. Section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470f requires federal agencies to take into account the effects of their undertakings on historic properties. This applies to projects receiving federal funding, permitting, or licensing. The HPO consults with federal agencies in identifying historic properties and avoiding or minimizing any potential adverse effects from federally funded, licensed, or permitted undertakings. Based on the information provided, it appears that it will be necessary for the United States Coast Guard to consult with our office regarding the identification and treatment of historic properties within the project's proposed area of potential effects (APE).

Please note that HPO cultural resource data is available online through GeoWeb:
<http://www.state.nj.us/dep/gis/geoweb splash.htm>. Assessment of project physical and visual effects on historic properties shall be required as part of the above reference undertaking. In addition, please be aware that individuals requiring information about historic and archaeological resources in New Jersey must visit the Historic Preservation Office to access the Office's reference collection. In addition, New Jersey's archaeological site records are maintained by the New Jersey State Museum and can be accessed by contacting Ms. Jessie Cohen, Registrar (609-292-8594).

Historic Architecture

The above referenced undertaking may require an intensive level architectural survey to assess the National Register eligibility of architectural properties over 50 years in age that could be directly or indirectly impacted by the proposed project.

The intensive level architectural survey will necessitate preparation of Intensive Level architectural survey forms and analysis of historic landscapes, viewsheds, and architectural properties older than 50 years both on the subject site and in its vicinity that may be impacted by construction of the project and associated ambient impacts. For properties recommended as National Register eligible, recommendations must be provided for avoidance of impacts. If impacts cannot be avoided alternatives analyses must be provided to explore alternatives to avoid, minimize and/or mitigate impacts together with the associated costs and considerations.

Architectural survey must be in keeping with the Office's 1999 Guidelines for Architectural Survey (<http://www.nj.gov/dep/hpo/1identify/survarcht.htm>). For projects requiring a CAFRA permit issued through the Department's Land Use Regulation program, reporting must conform to the guidelines at N.J.A.C. 7:4-8.6

(http://www.nj.gov/dep/hpo/2protection/register_historic_places09_29_08.pdf). Evaluations to determine the National Register eligibility of historic properties must be in keeping with the National Park Service's National Register Bulletin, How to Apply the National Register Criteria for Evaluation. Recommendations for avoidance of impacts to historic properties must conform to The Secretary of the Interior's Standards for the Treatment of Historic Properties. The individual(s) conducting the work will need to meet the relevant Secretary of the Interior's Professional Qualifications Standards for architectural history.

Please note that the project cultural resources consulting firm must contact local historic preservation commissions, historic societies, and persons knowledgeable about local history and architecture for their views on potential impacts to historic and architectural properties as the result of the project and for information that they may provide. This will necessitate providing these contacts with specific information about the location and nature of the project.

Archaeology

Based upon the documentation provided, the location of the proposed project indicates sensitivity for the presence of possible historic and Native American archaeological resources. If the proposed project includes ground disturbing activities, a Phase IA archaeological survey must be completed for the terrestrial portion of the proposed project to assess the potential for the presence of archaeological resources within the project's Area of Potential Effect (APE). If the project's APE is determined to have a high potential for the presence of significant archaeological resources, a Phase IB archaeological survey may be necessary. For the underwater portion of the project, a Phase IB survey must be completed to assess the extent of archaeological and geomorphological resources within the project's APE.

Terrestrial Survey

For Phase IA archaeological surveys, conclusions should specifically address the potential for cultural resources within the project site which may be eligible for inclusion in the National Register of Historic Places. The conclusions should include recommendations and the rationale for one of the following: 1) no further investigation; 2) subsurface testing to identify the location of buried cultural resources (Phase IB testing); 3) subsurface testing to evaluate the National Register eligibility of archaeological sites in the project area (Phase II testing); or 4) monitoring during construction. If additional archaeological survey is advised, the report should include specific recommendations regarding the nature and focus of those investigations.

All phases of the archaeological survey and reporting will need to be in keeping with the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation*, and the HPO's *Guidelines for Phase I Archaeological Investigations: Identification of Archaeological Resources* and *Guidelines for Preparing Cultural Resources Management Archaeological Reports Submitted to the Historic Preservation Office*. These guidelines can be obtained through the HPO's web page (<http://www.nj.gov/dep/hpo/identify/survarkeo.htm>). Evaluations to determine the National Register eligibility of archaeological sites must be in keeping with the National Park Service's 2000 National Register Bulletin, *Guidelines for Evaluating and Registering Archeological Properties*. The individual(s) conducting the work will need to meet the Secretary of the Interior's Professional Qualifications Standards for archaeology (48 FR 44738-9).

If potential human burials or human skeletal remains are encountered, all ground disturbing activities in the vicinity shall cease immediately and the Historic Preservation Office should be contacted, as well as any appropriate legal officials. The potential burials shall be left in place unless imminently threatened by human or natural displacement.

Underwater Survey

While the HPO does not presently have underwater archaeological survey guidelines, the HPO recommends using the Phase I archaeological survey guidelines developed by the Bureau of Ocean Energy Management (BOEM). BOEM's archaeological survey guidelines are available at: <http://www.boem.gov/Renewable-Energy-Program/Regulatory-Information/GGARCH.aspx>. Please be aware, BOEM (NTL 2008-G20) survey lane spacing requirements for projects within the Atlantic requires 30-meters in water depth less than 200 meters and no greater than 200-meters for deep water: <http://www.gomr.boemre.gov/homepg/regulate/regs/ntls/2008NTLs/08-g20.pdf>. Finally, Phase I archaeological survey within the limits of New Jersey waters requires a line spacing of no greater than 25-meters. The HPO recommends survey beyond the project APE to allow for the avoidance of potential, eligible, and listed historic properties. For projects containing geotechnical borings, a geomorphological survey shall assess the potential for the APE to contain submerged landforms that may contain the presence of past human occupation.

Additional Comments

Thank you for providing the opportunity to review and comment on the potential for the above-referenced project to affect historic properties. The HPO looks forward to further consultation with the United States Coast Guard regarding the potential for this undertaking to affect historic

properties. Please reference the HPO project number 13-1842, in any future calls, emails, or written correspondence to help expedite your review and response. Please do not hesitate to contact Jesse West-Rosenthal (609-984-6019) of my staff with questions regarding archaeology or Michelle Hughes (609-984-6018) questions regarding historic architecture.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Saunders", with a long horizontal flourish extending to the right.

Daniel D. Saunders
Deputy State Historic
Preservation Officer



May 12, 2014

Mr. William Brian Yates
Historic Preservation Specialist
New York Division for Historic Preservation
NYS OPRHP
Peebles Island Resource Center
Delaware Avenue
Cohoes, New York 12047

**Subject: Deepwater Port License Application
Liberty Natural Gas LLC, Port Ambrose Deepwater Port
Federal Waters off of New York and New Jersey
OPRHP PR#: 12PR00425
Project Update**

Dear Mr. Yates:

As Third Party consultant to the U.S. Coast Guard (USCG), which is preparing an environmental impact statement (EIS) in coordination with the Maritime Administration (MARAD) as part of the environmental review of the Port Ambrose Deepwater Port license application, I wanted to inform you of a Project modification. The application describes an offshore natural gas deepwater port facility that would be in the New York Bight. Pursuant to the criteria provided by the Deepwater Port Act of 1974, as amended, (33 U.S.C. §§1501 *et seq.*), both New Jersey and New York are the Adjacent Coastal States for this application.

As I described to you by letter of September 24, 2013, Port Ambrose would consist of two submerged turret loading buoys located in Federal waters approximately 17 nautical miles southeast of Jones Beach, New York, 24 nautical miles east of Long Branch, New Jersey, and about 27 nautical miles from the entrance to New York Harbor in a water depth of approximately 103 feet.

It has been identified that the proposed pipeline would cross an extant non-regulated Anchorage Area for a distance of 3.1 miles (Figure 1) from milepost 17 to milepost 20.1. In order to protect the proposed pipeline in this area, Liberty Natural Gas, LLC (Liberty) proposes to bury the pipeline in the Anchorage Area at a greater depth than originally proposed. The anticipated depth for the top of the pipeline in this area would be 7 feet with the trenching disturbance for pipeline installation limited to 10 feet.

Page 2 of 2
Mr. William Brian Yates
May 12, 2014

The USCG has received a letter from Liberty's contractor confirming that surveys were performed in accordance with "The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation" (48 FR 44716), the Abandoned Shipwrecks Act of 1987 (43 U.S.C. 2101-2106), and the archeological resources field survey and reporting guidelines established by the Department of the Interior's Bureau of Ocean Energy Management.

Assessments were conducted utilizing remote sensing, sedimentological, and geochronological data. The subbottom profiler was generally able to achieve high-resolution sub-surface data collection to depths of 5-20 feet. Core samples were also collected from the upper 10-15 feet of the seabed. Although three paleochannels were identified, Liberty's contractor concluded that there is a low potential for the preservation of intact prehistoric archeological sites in the area due to site destruction processes.

The USCG finds that no historic properties would be affected by this undertaking and requests concurrence from your office. Should you have any questions or concerns about the Project and this modification, you may reach me by telephone at (973) 630-8104, by e-mail at sydne.marshall@tetrattech.com, or by mail at my letterhead address, or Mr. Tim Feehan, Tetra Tech Project Manager, at 617-443-7521 (timothy.feehan@tetrattech.com).

Thank you for your attention.

Sincerely,



Sydne B. Marshall, Ph.D., RPA
Cultural Resources Lead

Enclosure: Figure 1

cc: Roddy Bachman (USCG)
Curtis Borland (USCG)
Bradley McKittrick (USCG)
Tracey Ford (MARAD)
Wade Moorefield (MARAD)
Tim Feehan (Tetra Tech)
Sean Sparks (Tetra Tech)

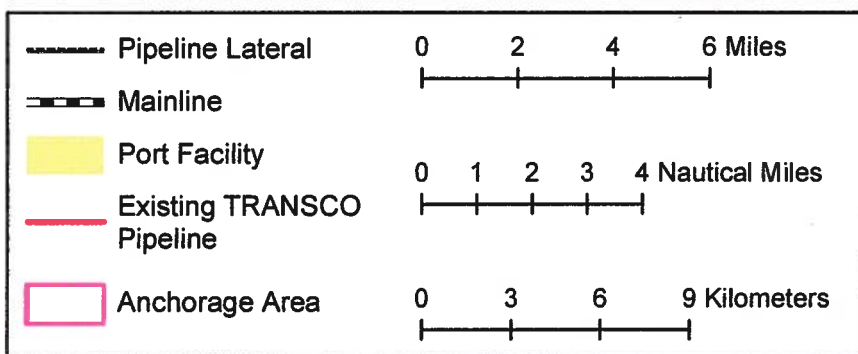
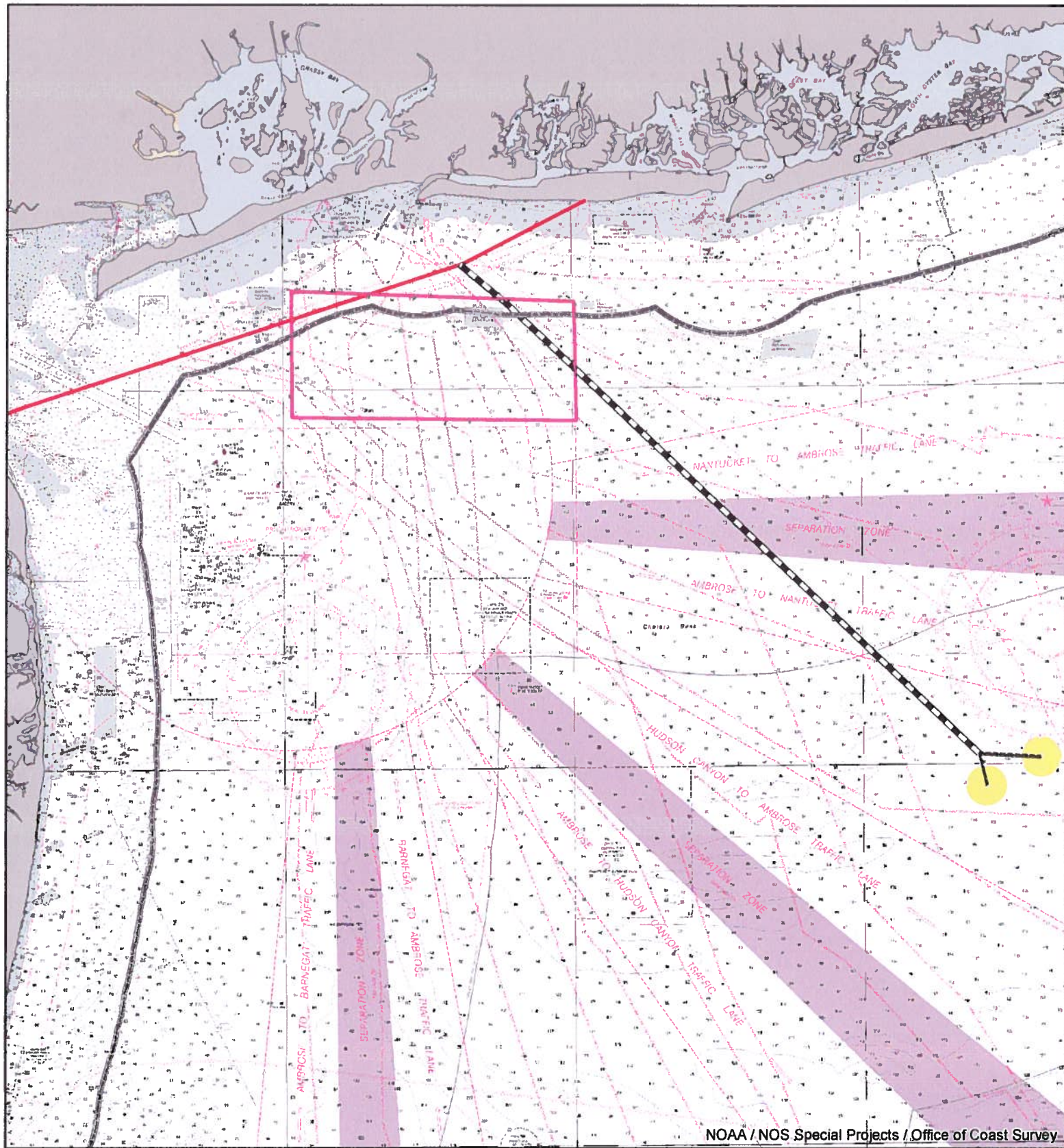
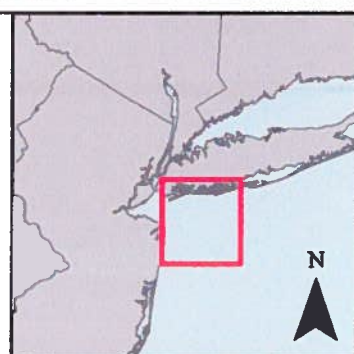


Figure 1:
Anchorage
Area





New York State Office of Parks, Recreation and Historic Preservation

Division for Historic Preservation
P.O. Box 189, Waterford, New York 12188-0189
518-237-8643

Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

19 May 2014

Dr. Sydne B. Marshall
Tetra Tech
1000 The American Road
Morris Plains, NJ 07950

Re: USCG
Liberty Natural Gas Port Ambrose Deepwater Port
Federal Waters off of New York and New Jersey
13PR04462

Dear Dr. Marshall:

The State Historic Preservation Office (SHPO) has reviewed the information submitted for this project. Our review has been in accordance with Section 106 of the National Historic Preservation Act and relevant implementing regulations.

Based on the information provided, SHPO recommends that the planned project will have **No Effect** on historic properties listed or eligible for listing on the National Register of Historic Places. This recommendation pertains only to the Area of Potential Effects (APE) described in the submitted materials. Should the project design be changed SHPO recommends further consultation with this office.

If you have any questions please don't hesitate to contact me.

Sincerely,

Philip A. Perazio, Historic Preservation Program Analyst – Archaeology Unit
Phone: 518-237-8643 x3276; FAX: 518-233-9049
Email: Philip.Perazio@parks.ny.gov